



THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GALLEON S.A.,
BACARDI-MARTINI U.S.A., INC., and
BACARDI & COMPANY LIMITED,

Petitioners,

-against-

HAVANA CLUB HOLDINGS, S.A. and
HAVANA RUM & LIQUORS, S.A. d/b/a
H.R.L., S.A.,

Respondents.

Registration No. 1,031,651

Cancellation No. 24108

#28

**PARTIAL OPPOSITION TO PETITIONERS' MOTION FOR EXTENSION OF TIME
TO FILE A RESPONSE TO RESPONDENTS' MOTION FOR SUMMARY
JUDGMENT DISMISSING THE PETITION AND FOR OTHER RELIEF**

Respondents respectfully submit this opposition to petitioners' December 3, 1996 motion for an extension of time until January 6, 1977 to respond to respondents motion for summary judgment and other relief.

As is set forth in the affidavit of Caroline Rule attached hereto, respondents consented to petitioners' original request for a 30 day extension, until December 7, 1996. When seeking respondents' consent to a further extension of time on November 25, petitioners sought a further two weeks, until December 23, 1996.

When petitioners' counsel requested this second extension, they gave as their *sole* reason for doing so the fact that one of petitioners' primary counsel was required to argue a motion before the Federal Circuit during the week ending December 6, 1996.

In response to petitioners' request, respondents stated that they would not oppose a motion for an extension of time until December 16, 1996, at least a week after the date of this argument in the Federal Circuit.

Petitioners have now moved for a *longer* extension of time than they requested from respondents, until January 6, 1997. Moreover, in their moving papers, petitioners have advanced numerous grounds for an extension of time that were never presented to respondents' counsel. Petitioners rely only cursorily on the reason they gave respondents' counsel for requesting an extension -- oral argument by one of their counsel in the Federal Circuit.

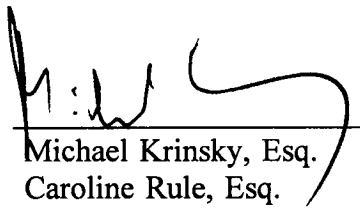
For these reasons, no extension of time should be granted petitioners beyond the December 16, 1996 date proposed by respondents. If an extension beyond this date is granted, moreover, it should not be granted beyond the date originally requested from respondents by petitioners, December 23, 1996.

Dated: New York, New York
December 9, 1996

Respectfully submitted,

RABINOWITZ, BOUDIN, STANDARD,
KRINSKY & LIEBERMAN, P.C.

By:



Michael Krinsky, Esq.
Caroline Rule, Esq.

Attorneys for Respondents
Havana Club Holding, S.A.
and Havana Rum & Liquors, S.A.
740 Broadway - Fifth Floor
New York, New York 10003
(212) 254-1111

cc: William R. Golden, Jr.
Margaret Ferguson
Kelley Drye & Warren
101 Park Avenue
New York, New York 10178
Attorneys for Petitioners

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____	x	
GALLEON S.A.,	:	Cancellation No. 24108
BACARDI-MARTINI U.S.A., INC., and	:	
BACARDI & COMPANY LIMITED,	:	
	:	
Petitioners,	:	
	:	
-against-	:	
	:	
HAVANA CLUB HOLDINGS, S.A. and	:	
HAVANA RUM & LIQUORS, S.A. d/b/a	:	
H.R.L., S.A.,	:	
	:	
Respondents.	:	
	:	
Registration No. 1,031,651	:	
_____	x	

DECLARATION OF CAROLINE RULE

CAROLINE RULE, being duly sworn, deposes and says:

1. I am an associate of the firm Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., attorneys for the respondents in the above-captioned matter.
2. I make this declaration in support of respondents' opposition to petitioners' Motion For Extension Of Time For Petitioners To File A Response To Respondents' Motion For Summary Judgment Dismissing The Petition And For Other Rellief. I make this declaration based on my personal knowledge and my review of the file in this case.

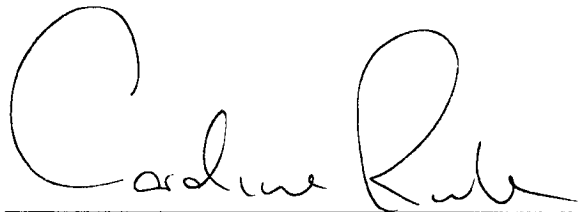
3. Respondents filed a Motion For Summary Judgment And To Dismiss on October 18, 1996. Petitioners' response was thus due on November 7, 1996. Respondents consented to petitioners' request for a thirty (30) day extension through December 7, 1996.

4. On November 25, 1996, I received a telephone call from Margaret Ferguson, an attorney for petitioners in this action. Ms. Ferguson stated that petitioners requested a further two-week extension, until December 23, 1996, because William R. Golden, Jr., another of petitioners' counsel, was to argue a motion before the Federal Circuit during the following week ending December 6, 1996.

5. On November 27, 1996, I wrote to Ms. Ferguson stating that respondents' would not oppose an extension of time until December 16, 1996, more than a week after the argument before the Federal Circuit.

6. On December 3, 1996, petitioners filed a motion for an extension of time for *longer* than they originally requested from respondents, until January 7, 1996. Moreover, petitioners have advanced in support of the motion numerous reasons that were never even mentioned to respondents' counsel. Indeed, in their motion, petitioners rely only cursorily on the reason presented to respondents' counsel for requesting the extension -- an argument in the Federal Circuit by one of petitioners' counsel.

Executed this 9th day of December, 1996

A handwritten signature in cursive script, appearing to read "Caroline Rule", written over a horizontal line.

CAROLINE RULE

CANCELLATION NO. 24108

CERTIFICATE OF EXPRESS MAILING AND SERVICE

Date of Deposit: December 9, 1996

The undersigned hereby certifies that this Opposition To Petitioners' Motion For Extension Of Time To File A Response To Respondents' Motion For Summary Judgment Dismissing The Petition And For Other Relief, together with the attached Affidavit of Caroline Rule, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above, addressed to:

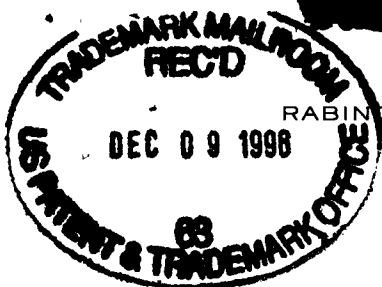
Express Mail label number: HB309361987

BOX TTAB NO FEE
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Express Mail label number: HB309361998

William R. Golden, Esq.
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MARIE PAPP 12/9/96



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CAROLINE RULE
MICHAEL LUDWIG
LAURENCE HELFER*

*ADMITTED IN PENNSYLVANIA AND
NEW JERSEY ONLY

COUNSEL
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MICHAEL B. STANDARD
LEONARD I. WEINGLASS
ELLEN J. WINNER
DEBRA EVENSON
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December 9, 1996

VIA EXPRESS MAIL

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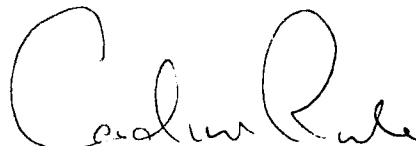
Re: GALLEON S.A. et al. v. HAVANA CLUB
HOLDINGS et al., Cancellation No. 24,108

Dear Trademark Trial and Appeal Board Staff:

Enclosed, in triplicate, is respondents' Opposition To Motion For Extension Of Time For Petitioners To File A Response To Respondents' Motion For Summary Judgment Dismissing The Petition And For Other Relief.

Please acknowledge receipt thereof on the enclosed postcard. Thank you for your attention.

Very truly yours,


Caroline Rule

CR/mp

Enclosures